

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:23-CV-255-M-BM

AVI & CO. NY CORP., )  
Plaintiff, )  
v. )  
CHANNELADVISOR CORPORATION, )  
Defendant. )  
\_\_\_\_\_  
)

JOINT STATUS REPORT

In accordance with the Text Order entered on August 19, 2025, plaintiff Avi & Co. NY Corp. and defendant Rithum Corporation (formerly known as ChannelAdvisor Corporation), hereby submit this joint report advising the Court of the status of this action.

On March 2, 2023, defendant filed a motion to dismiss the Complaint under Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure. [DE-17]. The motion is fully briefed. [DE-17, DE-23, DE-29]. The case was pending in the United States District Court for the Southern District of New York at the time of the filing of the motion and briefs.

On May 5, 2023, the United States District Court for the Southern District of New York entered an Opinion and Order which transferred this action to this Court. [DE-30].

Following the transfer of the action to this Court, the parties completed a Rule 26(f) conference and submitted a Joint Rule 26(f) Report dated October 18, 2023. [DE-46]. In the Rule 26(f) Report, defendant requested without opposition that discovery in the matter be stayed pending the Court's ruling on the motion to dismiss. On October 19, 2023, the Court entered an

order granting that request and staying all discovery until such time as the court resolves defendant's motion to dismiss. [DE-47].

The action has not been resolved.

Dated: August 26, 2025

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